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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/435,718	11/08/99	RASMUSSEN	H 00242.81029

BANNER & WITCOFF LTD  
1001 G STREET NW  
WASHINGTON DC 20001-4597

QM12/1002

EXAMINER

DEXTER, C

ART UNIT	PAPER NUMBER
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3724

DATE MAILED:

10/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/435,718**

Applicant(s)  
**Rasmussen**

Examiner  
**Clark F. Dexter**

Group Art Unit  
**3724**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-16 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 and 2, drawn to a dispenser with a specific main roller configuration, classified in class 83, subclass 649.
  - II. Claims 1 and 3-8, drawn to a dispenser with a specific sensor plate configuration, classified in class 225, subclass 10.
  - III. Claims 1, 9 and 10, drawn to a dispenser with a specific transfer arm configuration, classified in class 225, subclass 34.
  - IV. Claim 1 and 11-13, drawn to a dispenser with a specific stop arm configuration, classified in class 225, subclass 16.
  - V. Claims 1 and 14, drawn to a dispenser with a front shield structure, classified in class 83, subclass 859.
  - VI. Claims 15 and 16, drawn to a dispenser with a dispenser cover member, classified in class 225, subclass 39.
2. Claims 1-14 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the web cutting knife of Group I). It is noted that if claim 1 as originally filed is part of an elected group and determined to be patentable, rejoinder of claims 1-14 will be considered.

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3. The inventions are distinct, each from the other because of the following reasons:

Group I vs Groups II-VI

4. Inventions of groups I and II are separate inventions. They are distinct because the invention of group I does not require the specific details of the sensor plate configuration of group II for patentability as evidenced by the omission thereof from group I, and the invention of group II does not require the specific details of the feed roller configuration (e.g., the web cutting knife) of group I for patentability as evidenced by the omission thereof from group II.

5. Inventions of groups I and III are separate inventions. They are distinct because the invention of group I does not require the specific details of the transfer arm configuration of group III for patentability as evidenced by the omission thereof from group I, and the invention of group III does not require the specific details of the feed roller configuration (e.g., the web cutting knife) of group I for patentability as evidenced by the omission thereof from group III.

6. Inventions of groups I and IV are separate inventions. They are distinct because the invention of group I does not require the specific details of the stop arm configuration of group IV for patentability as evidenced by the omission thereof from group I, and the invention of group IV does not require the specific details of the feed roller configuration (e.g., the web cutting knife) of group I for patentability as evidenced by the omission thereof from group IV.

7. Inventions of group I and groups V and VI are separate inventions. They are distinct because the invention of group I does not require the front shield structure of groups V and VI

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for patentability as evidenced by the omission thereof from group I, and the invention of groups V and VI do not require the specific details of the feed roller configuration (e.g., the web cutting knife) of group I for patentability as evidenced by the omission thereof from groups V and VI.

Group II vs Groups III-VI

8. Inventions of groups II and III are separate inventions. They are distinct because the invention of group II does not require the specific details of the transfer arm configuration of group III for patentability as evidenced by the omission thereof from group II, and the invention of group III does not require the specific details of the sensor plate configuration of group II for patentability as evidenced by the omission thereof from group III.

9. Inventions of groups II and IV are separate inventions. They are distinct because the invention of group II does not require the specific details of the stop arm configuration of group IV for patentability as evidenced by the omission thereof from group II, and the invention of group IV does not require the specific details of the sensor plate configuration of group II for patentability as evidenced by the omission thereof from group IV.

10. Inventions of group II and groups V and VI are separate inventions. They are distinct because the invention of group II does not require the front shield structure of groups V and VI for patentability as evidenced by the omission thereof from group II, and the invention of groups V and VI do not require the specific details of the sensor plate configuration of group II for patentability as evidenced by the omission thereof from groups V and VI.

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Group III vs Groups IV-VI

11. Inventions of groups III and IV are separate inventions. They are distinct because the invention of group III does not require the specific details of the stop arm configuration of group IV for patentability as evidenced by the omission thereof from group III, and the invention of group IV does not require the specific details of the transfer arm configuration of group III for patentability as evidenced by the omission thereof from group IV.

12. Inventions of group III and groups V and VI are separate inventions. They are distinct because the invention of group III does not require the front shield structure of groups V and VI for patentability as evidenced by the omission thereof from group III, and the invention of groups V and VI do not require the specific details of the transfer arm configuration of group III for patentability as evidenced by the omission thereof from groups V and VI.

Group IV vs Groups V and VI

13. Inventions of group IV and groups V and VI are separate inventions. They are distinct because the invention of group IV does not require the front shield structure of groups V and VI for patentability as evidenced by the omission thereof from group IV, and the invention of groups V and VI do not require the specific details of the stop arm configuration of group IV for patentability as evidenced by the omission thereof from groups V and VI.

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Group V vs Group VI

14. Inventions of groups V and VI are separate inventions. They are distinct because the invention of group V does not require the specific details of the dispenser cover member of group VI for patentability as evidenced by the omission thereof from group V, and the invention of group VI does not require the sensor mechanism of group V for patentability as evidenced by the omission thereof from group VI.

15. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

16. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
September 28, 2000